

**PRELIMINARY DRAFT
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Gulf of Mexico Partnership: Mexican Participation

Needs and opportunities identified by Gulf States White papers:

The Gulf of Mexico is a transboundary resource. Any efforts to improve Gulf ecology should involve Mexico to be truly successful.

Binational efforts to date with Mexico on the Gulf, while useful, have lacked adequate resources on both sides, but also suffer from an absence of sustained political commitment and continuity of participation on the Mexican side. Formalization of the binational nature of this partnership could help provide Mexican officials a vehicle for ensuring a greater measure of political buy-in and continuity. On the other hand, improved management of the Gulf in the U.S. alone is a daunting task, complicated by sensitivities among the various jurisdictions involved. While the bright light of international scrutiny can help domestic partners work better together, we will need to strike an appropriate balance between fruitful engagement with Mexico and the need to get our own house in order.

We are challenged to consider our engagement with Mexico on two levels:

- 1) Whether and how to formalize Mexican participation in the partnership
- 2) How to engage Mexican federal and state governments, NGO, industry and academia, in the programmatic activities of the partnership.

Proposed Federal Response:

A. Options for Formalizing Engagement With Mexico

1. Mexican States sign Partnership Charter at Governors' Summit

Under the U.S. Constitution, any document signed by U.S. and Mexican states must be carefully drafted to avoid even the suggestion that it is a treaty or otherwise legally binding document subject to international law. A Charter that is not a legally binding international instrument may not, however, be strongly worded enough to achieve the objective of stimulating Mexican involvement. The Office of the Legal Adviser at the State Department should review any proposed Charter to ensure that it avoids both legal

obligations and the trappings of international law, and that the content of the charter is in conformity both with U.S. law and regulations and with Federal foreign policy.

2. Mexican States (and/or Federal Government) independently issue declaration supporting the Partnership.

This option would be less problematic in that it would not raise concerns described above implicated by a jointly signed document.

3. U.S. and Mexican National Governments sign a non-binding Joint Declaration or Letter of Intent expressing intention to cooperate in the Partnership

This option may be helpful to increase Mexican national level political buy-in to the Partnership. The State Department Legal Adviser would ensure that it is drafted in such a way as to avoid legally binding obligations. An advantage to such a document is that the Federal Governments can use it to promote a policy of advancing and supporting practical cooperation efforts at the state and local levels, as well as in the non-governmental sector.

4. U.S. and Mexico Negotiate Binational Agreement Establishing a Framework for Cooperation on the Gulf

This would be the most complicated and time-intensive option but may provide a greater measure of Mexican political-level buy-in and continuity than the above options. It would be necessary to obtain authorization through the Circular 175 process to negotiate and conclude such an agreement in order to ensure that all bases are covered, e.g., resource implications. In addition, it would be important to anticipate possible Mexican negotiating objectives that might be unacceptable (e.g., specific targets for Gulf hypoxia reduction). Finally, while meeting the need to engage Mexico as a sovereign nation, it would leave the burden on the Mexican federal government to ensure appropriate coordination with its states and non-governmental actors. As with option #3 above, however, this issue may be addressed by including language that emphasizes (or even specifically provides for) state and non-governmental participation and partnership, and may be particularly effective if accompanied by other high-visibility demonstrations of engagement by states, possibly in coalition with localities, academia, NGO's, business and industry, NGO's, etc. on both sides.

B. Programmatic Engagement Options

Potential Mexican participation could be developed in each of the core areas of the Partnership. For example:

1. Water Quality and Health

- Extend harmful algal bloom monitoring capacity to Mexican states as a model GCOOS framework. Intensify efforts, in partnership with Mexican federal and state governments, to identify resources to bring this capacity to Mexico. E.g., explore funding from Global Environment Facility as part of Caribbean Basin project.
- Promote Mexican engagement with White Water to Blue Water multi-sectoral group to coordinate and improve marine science research on the Gulf.

2. Nutrient Loading

- Share best practices and U.S. experiences with Mexican federal and state partners on nutrient reduction; e.g.:
 - U.S. Forest Service work to promote forest buffers for nutrient reduction.
 - Methodologies for developing task forces and building collaborative efforts between coastal and upstream riparian jurisdictions.
- Promote Mexican national and regional Plans of Action to control Land Based Sources of Pollution (LBS), including agricultural non-point sources.
- Extend “Industry-Led Solutions” effort to encourage Mexican corporations and multinationals operating in Mexico Gulf watershed regions (e.g., agriculture, petrochemicals) to adopt best practices for nutrient reduction.
- *Once completed*, share and actively consult with Mexican federal and state partners on the results of the hypoxia reassessment; promote similar assessment capacity in Mexico. (Note: due to U.S. domestic sensitivities, this effort should await completion of the next assessment).

3. Wetlands

- Expand collaborative effort between Caddo Lake Institute in Texas and Conservation Mexico/U.S.-Mexico Chamber of Commerce NE Mexico Chapter for community wetlands management and ecotourism. Current effort links

wetlands projects in Tamaulipas and Caddo Lake in a network of best practice and scientific data collection sharing.

- Explore greater connectivity between this effort and the International Corporate Wetlands Restoration Project (building on ICWRP's funding for wetlands restoration on Mexico's Caribbean coast to bring corporate support for sustainable wetlands management and community ecotourism farther north to Mexico's Gulf Coast.

4. Education and Outreach

- Develop strategy for Gulf environmental education that integrates and builds on existing efforts at the basic and secondary level, e.g.:
 - Expansion of GLOBE program to Mexican Gulf Coast (explore corporate sponsorship).
 - Promote advanced education exchanges (e.g. Harte Institute and Jalapa Institute of Ecology and/or University of Veracruz).
 - Seek and disseminate information on Agency for International Development- and State Department- sponsored educational exchanges (e.g., application deadlines) as part of this broader strategy.
 - Facilitate sharing of bilingual educational material.

5. Habitats

- Explore collaboration on migratory species, and on marine and terrestrial protected areas.